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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION THREE

In re J.B., a Person Coming Under the
Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

J.B.,

Defendant and Appellant.

A136495

(Contra Costa County Super. Ct.
No. J1200313)

J.B. (appellant), born in November 1993, appeals from the juvenile court's dispositional order placing him on probation and suspending his driver's license after finding he was found in public under the influence of alcohol (Pen. Code, § 647, subd. (f)). Appellant's counsel has filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 and requests that we conduct an independent review of the record. Appellant was informed of his right to file a supplemental brief and did not do so. Having independently reviewed the record, we conclude there are no issues that require further briefing, and shall affirm the order.

FACTUAL AND PROCEDURAL BACKGROUND

On April 5, 2012, an original petition was filed alleging appellant drove under the influence of alcohol (Veh. Code, § 23152, subd. (a), count 1), drove while having a 0.08 blood alcohol level or higher (Veh. Code, § 23152, subd. (b), count 2), and was a person

under the age of 21 in possession of alcohol inside a vehicle (Veh. Code, § 23224, subd. (a), count 3). The petition was based on an incident that occurred on October 16, 2011, at approximately 1:35 a.m. Appellant was driving and turning to enter the I-80 freeway when California Highway Patrol officers who were on routine patrol in Richmond, California, noticed the headlights of appellant's vehicle were off. The officers followed the vehicle, which accelerated to 70 miles per hour in a 65 mile-per-hour zone, and abruptly changed lanes twice. The officers stopped the vehicle, and when officers approached, they noticed a strong odor of an alcohol beverage coming from the vehicle. Appellant said he had not consumed any alcohol, but he had a strong odor of alcohol coming from his breath and person, and was not able to perform a series of field sobriety tests as instructed. The officers arrested appellant, who became verbally abusive and was placed in the patrol vehicle. The officers inventoried the vehicle prior to storage and found a 100ml glass bottle of Hennessy that was approximately one-eighth full. Appellant's blood was drawn and a toxicology report showed a 0.09 blood alcohol content.

At an April 24, 2012 pretrial hearing, appellant denied the allegations and the juvenile court ordered appellant "not to consume alcohol or drive unless licensed [and] insured." On July 13, 2012, the juvenile court denied appellant's request for informal probation. At a July 30, 2012 contested jurisdictional hearing, the People moved to amend the petition to include a misdemeanor violation of Penal Code section 647, subdivision (f), and appellant admitted violating that section, with the agreement that the remaining charges would be dismissed. At an August 21, 2012 dispositional hearing, appellant requested that the suspension of his driver's license begin from the date of the offense, rather than the date of conviction. Pursuant to Vehicle Code section 13202.5, subdivision (a), the juvenile court suspended appellant's driver's license for one year from the date of conviction.

DISCUSSION

We have reviewed the entire record and conclude there are no arguable issues that warrant further briefing. Appellant has not sought to withdraw his plea, and in any event,

there is no clear and convincing evidence of good cause to allow him to do so. Appellant was adequately represented by counsel at every stage of the proceedings and appeared at every hearing. There was a factual basis for the plea. There was no sentencing error. There are no issues that require further briefing.

DISPOSITION

The order is affirmed.

McGuiness, P.J.

We concur:

Pollak, J.

Siggins, J.